

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CHESAPEAKE APPALACHIA, LLC, :

Plaintiff : CIVIL ACTION NO. 3:13-3073

v. : (MANNION, J.)

RUSSELL E. BURKETT and :
GAYLE BURKETT,

Defendants :
:

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) the plaintiff's motion for summary judgment on Count I of this declaratory judgment action, ([Doc. 4](#)), is **DENIED**;
- (2) Count II of the instant declaratory judgment action is **DISMISSED**; and
- (3) the Clerk of Court is directed to **CLOSE THIS CASE**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: October 17, 2014

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